

Mail Stop: Amendment  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: 200.1156US  
Date: March 21, 2006



In re application of: Benjamin Oshlack, et al.  
Serial No.: 10/524,334  
Filed: February 11, 2005  
For: Pharmaceutical Compositions

Sir:

Transmitted herewith is a **Information Disclosure Statement (2 pages)** in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.  
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.  
☐ No fee for additional claims is required.  
☐ A filing fee for additional claims calculated as shown below, is required:

(Col. 1)		(Col. 2)		SMALL ENTITY		OR	LARGE ENTITY	
FOR:	REMAINING	HIGHEST		RATE	FEE		RATE	FEE
	AFTER	PREVIOUSLY	PRESENT					
	AMENDMENT	PAID FOR	EXTRA					
TOTAL CLAIMS	Minus 20	=		x \$ 9	\$		x \$ 18	\$
INDEP. CLAIMS	Minus 3	=		x \$ 43	\$		x \$ 86	\$
[1] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 145	\$		+ \$ 290	\$

TOTAL: \$ OR TOTAL:

- \* If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☒ Also transmitted herewith are:  
☐ Petition for extension under 37 C.F.R. 1.136  
☒ Other: PTO form 1449 (1 page) with copies of references listed in the FOREIGN PATENT DOCUMENTS, Appendix A (3 pages); Appendix B (4 pages), and return receipt postcard.
- ☐ Check(s) in the amount of \$**.00** is/are attached to cover:  
☐ Filing fee for additional claims under 37 C.F.R. 1.16  
☐ Petition fee for one month extension under 37 C.F.R. 1.136  
☐ Other: Late oath or declaration fee
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.
- ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

  
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I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with sufficient postage to the United States Postal Service as "first class mail" in an envelope addressed to "Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on March 21, 2006.

DAVIDSON, DAVIDSON & KAPPEL, L.L.C.



200.1156US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: Application of: Benjamin OSHLACK, et al.  
Serial No.: 10/524,334  
Filed: February 11, 2005  
For: **Pharmaceutical Compositions**  
Group: 1618

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 21, 2006

**INFORMATION DISCLOSURE**  
**STATEMENT UNDER 37 C.F.R. § 1.56**

Sir:

In accordance with the provisions of 37 C.F.R. § 1.97, Applicants hereby make of record the documents listed on the accompanying Form PTO-1449 (1 sheet) for consideration by the Examiner in connection with the examination of the above-identified patent application.

In accordance with 37 C.F.R. § 1.98 (a)(2), copies of references listed in the FOREIGN PATENT DOCUMENTS section of the accompanying Form PTO-1449 are enclosed. Pursuant to the waiver of the requirement under 37 C.F.R. § 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent for all U.S. national patent applications filed after June 30, 2003, copies of cited U.S. patents are not enclosed. If it is determined that a copy of any of the listed references is not presently enclosed and is required, the Examiner is requested to contact the undersigned so that a copy can be forwarded.

Applicants note that reference AK on the accompanying Form PTO-1449 was cited in the International Search Report issued in connection with International application No. PCT/US03/25601. A copy of the International Search Report is attached as Appendix A.

Applicants further note that references AL, AM, AN, and AP were cited in the Supplementary European Search Report issued in connection with corresponding European patent Application No. EP 03 75 1860. A copy of the Supplementary European Search Report is attached as Appendix B.

It is respectfully requested that the references cited in the accompanying Form PTO-1449 (1 sheet) be considered and made of record.

This Information Disclosure Statement is filed under 37 C.F.R. § 1.97 (b), before the mailing of a first Office Action on the merits. Accordingly, no fee is believed due. In the event any additional fee is due in connection with the filing of this Information Disclosure Statement, the Commissioner is hereby authorized to charge said deficiency to our Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

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FORM PTO-1449 (REV. 7-80)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO.: 200.1156US		SERIAL NO.: 10/524,334	
<b>LIST OF PRIOR ART CITED BY APPLICANT</b> (Use several sheets if necessary)				APPLICANT(S): Benjamin OSHLACK, et al.			
				FILING DATE: February 11, 2005		GROUP: 1618	
<b>U.S. PATENT DOCUMENTS</b>							
INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	AA	5 2 7 3 7 6 0	12/28/1993	Oshlack, et al.	424	480	
	AB	5 6 8 1 5 8 5	10/28/1997	Oshlack, et al.	424	494	
	AC	5 4 7 2 7 1 2	12/05/1995	Oshlack, et al.	424	480	
	AD	5 2 8 6 4 9 3	12/15/1994	Oshlack, et al.	424	468	
	AE	5 5 8 0 5 7 8	12/03/1996	Oshlack, et al.	424	468	
	AF	5 6 3 9 4 7 6	06/17/1997	Oshlack, et al.	424	468	
	AG	3 8 4 5 7 7 0	11/05/1974	Theeuwes, et al.	128	260	
	AH	3 9 1 6 8 8 9	11/04/1975	George K. Russel	128	145.8	
	AI	4 0 6 3 0 6 4	12/13/1977	Saunders, et al.	219	121.71	
	AJ	4 0 8 8 8 6 4	09/19/1978	Theeuwes, et al.	219	121.71	
	AK	6 4 3 6 4 3 8	08/20/2002	Momberger, et al.	424	458	
	AL	6 1 3 6 3 4 5	10/24/2000	Grimmett, et al.	424	471	
	AM	5 3 3 0 7 6 6	07/19/1994	Morelia, et al.	424	490	
	AN	6 2 7 0 8 0 5	08/07/2001	Chen Chih-Ming, et al.	424	497	
<b>FOREIGN PATENT DOCUMENTS</b>							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	AO	0 1 5 8 4 5 1	08/16/2001	WO	A61K	31/485	
	AP	0 1 5 8 4 4 7	08/16/2001	WO	A61K	31/44	
	AQ						
<b>OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
	AR						
	AS						
EXAMINER				DATE CONSIDERED			
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							